

ESTTA Tracking number: **ESTTA118445**

Filing date: **01/08/2007**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Federation Of The Swiss Watch Industry		
Entity	Unincorporated Association	Citizenship	Switzerland
Address	Rue d' Argent 6 Biennes, CH-2501 SWITZERLAND		

Attorney information	Amy J. Benjamin Darby & Darby P.C. P.O. Box 5257 New York, NY 10150-5257 UNITED STATES tmdocket@darbylaw.com, abenjamin@darbylaw.com, ssaxon@darbylaw.com Phone:212-527-7700
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Applicant Information

Application No	79013786	Publication date	12/26/2006
Opposition Filing Date	01/08/2007	Opposition Period Ends	01/25/2007
International Registration No.	0857715	International Registration Date	07/05/2004
Applicant	IVKO Industrieprodukt-Vertriebskontakt GmbH Kiefernweg 13 56729 Baar-Wanderath GERMANY		

Goods/Services Affected by Opposition

Class 014. All goods and services in the class are opposed, namely: PRECIOUS METALS AND THEIR ALLOYS; GOODS IN THE PRECIOUS METALS AND THEIR ALLOYS OR COATED THEREWITH, NAMELY, JEWELRY; SEMI-PRECIOUS GEMSTONES; GEMSTONES AND BEADS FOR USE IN THE MANUFACTURE OF JEWELRY; COSTUME JEWELRY; TIE PINS, CUFF LINKS; HOROLOGICAL AND CHRONOMETRIC INSTRUMENTS; WATCH STRAPS; CASES FOR CLOCKS AND WATCHES
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Grounds for Opposition

Deceptiveness	Trademark Act section 2(a)
The mark is primarily geographically deceptively misdescriptive	Trademark Act section 2(e)(3)

Attachments	00963163.PDF (4 pages)(30536 bytes)
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Signature	/Amy J. Benjamin/
Name	Amy J. Benjamin
Date	01/08/2007

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FEDERATION OF THE SWISS WATCH INDUSTRY,	:	
	:	
Opposer,	:	Opposition No.
	:	
v.	:	
	:	
IVKO INDUSTRIEPRODUCT-VERTRIEBSKONTAKT	:	
GMBH,	:	
	:	
Applicant.	:	
	:	
	X	

NOTICE OF OPPOSITION

In the matter of the trademark application of Ivko Industrieproduct-Vertriebskontakt GmbH (“Applicant”) for registration of SWISSHORN only in Class 14 for “precious metals and their alloys; goods in the precious metals and their alloys or coated therewith, namely, jewelry; semi-precious gemstones; gemstones and beads for use in the manufacture of jewelry; costume jewelry; tie pins, cuff links, horological and chronometric instruments; watch straps; cases for clocks and watches” (“Applicant’s Goods”), Application Serial No. 79/013,786 filed July 5, 2004.

Federation of the Swiss Watch Industry (“Opposer”), an unincorporated association formed under the laws of Switzerland, Rue d’ Argent 6, CH-2501, Biennes, Switzerland,

believes it will be damaged by registration of SWISSHORN in Class 14 as sought under Application Serial No. 79/013,786 (the “Application”) and hereby opposes the same.

The grounds for opposition are:

1. For many years, Opposer has been the Swiss watch industry’s leading trade association. Opposer is a non-profit association with over 500 members representing more than 90% of all Swiss watch manufacturers. Opposer counts such renown watch manufacturers as Cartier, Breitling, Baume & Mercier, Gucci, Longines, Movado, Omega, Piaget and Rolex among its members.

2. Opposer’s responsibilities to its members include representing and defending its members’ interests through legal proceedings as well as protecting and supporting its members’ overall common interests and policy goals regarding the watch industry generally.

3. In order to be classified as a true “Swiss” or “Swiss made” watch by Opposer, a given watch must satisfy an exacting set of standards. As a result, those watches emanating from Switzerland enjoy an unsurpassed reputation for combining quality, craftsmanship, and aesthetic beauty. Therefore, the intrinsic value of a watch’s Swiss origin is immeasurable.

4. For over 70 years, Opposer’s Certification Marks SWISS and SWISS MADE have been used to denote those timepieces which it determines meet the high standards it demands of a timepiece wishing to claim entitlement to assertions of Swiss lineage. Only a watch which is truly of Swiss Origin will be certified as SWISS or SWISS MADE by Opposer. A watch is truly SWISS or SWISS MADE if its movement is Swiss, its movement is cased up in Switzerland and the manufacturer carries out the final inspection in Switzerland.

5. Opposer is the owner of Registration Nos. 3,047,277 and 3,038,819 for the Certification Marks SWISS and SWISS MADE, respectively, for use in connection with “horological and chronometric instruments, namely, watches, clocks and their component parts and fittings thereof.”

6. Upon information and belief, Applicant is a corporation organized and existing under the laws of the Federal Republic of Germany. Upon information and belief, Applicant manufactures and sells fashion jewelry and watches which do not originate in Switzerland and do not meet the high standards used by Opposer to certify such goods as being of Swiss origin.

7. Upon information and belief, Applicant uses SWISSHORN in connection with the sale of goods identical to those sold by Opposer’s members, to the identical customers, through the same channels of trade.

8. When used in connection with the goods of the Applicant, SWISSHORN will be immediately understood by the relevant public as a geographic indicator signifying a watch that originates from Switzerland. Believing they are purchasing a true Swiss watch, when in fact they are not, consumers are likely to be influenced in their purchasing decisions by Applicant’s use of SWISSHORN.

9. Upon information and belief, when used in connection with Applicant's Goods, SWISSHORN is a deceptive mark and therefore may not be registered pursuant to Section 2(a) of the Trademark Act, § 15 U.S.C. 1052(a).

10. Upon information and belief, when used in connection with Applicant's Goods, SWISSHORN is primarily a geographically deceptively misdescriptive mark and therefore may not be registered pursuant to Section 2(e)(3) of the Trademark Act, § 15 U.S.C. 1052(e)(3).

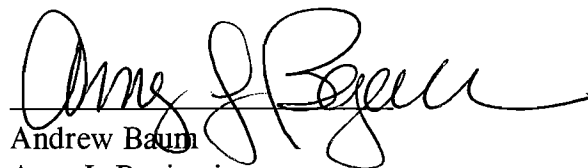
11. Upon information and belief, a grant of registration to the Applicant would bestow upon Applicant the right to use a mark which confuses consumers into mistakenly believing that Applicant's Goods are of the same country of origin, and therefore of a comparable level of quality, as those of Opposer's members, thereby creating damage to Opposer and its members.

WHEREFORE, Opposer respectfully requests that this Opposition be sustained and that the Application be refused registration.

Dated: January 8, 2007
New York, New York

Respectfully submitted,
DARBY & DARBY P.C.

By:



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FEDERATION OF THE
SWISS WATCH
INDUSTRY